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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

CITY OF SAN JOSE; PEOPLE OF THE  
STATE OF CALIFORNIA; GINDIN-R&B  
COMPANY

Plaintiff,

vs.

MARTIN & ROSANNA ALVAREZ, et al.

Defendants.

NO. 1-96-CV 759667

[Proposed]

**FIRST COURT MODIFICATION TO  
PERMANENT INJUNCTION AND  
FINAL JUDGMENT PURSUANT TO  
STIPULATION FILED ON APRIL 11,  
1997**

**DATE: January 29, 2010**

**TIME: 9:00 a.m.**

**DEPT: 5**

**JUDGE: Hon. Mary Jo Levinger**

**ORDER**

Plaintiff's Motion to Modify Permanent Injunction and Final Judgment Pursuant to  
Stipulation Filed on April 11, 1997, came on regularly for hearing in Department 5 of the  
above-entitled Court on January 29, 2010.

Plaintiff's Request for Judicial Notice is GRANTED.

1 After full consideration of the evidence submitted, the Court has conducted a review of  
2 the Permanent Injunction and Final Judgment Pursuant to Stipulation Filed on April 11, 1997  
3 ("Permanent Injunction") and finds that the ends of justice will be served by modifying the  
4 Permanent Injunction and good cause appearing therefor,

5 Plaintiff's Motion is GRANTED.

6 **IT IS ORDERED, ADJUDGED AND DECREED THAT THE 1997 PERMANENT**  
7 **INJUNCTION IS HEREBY MODIFIED AS FOLLOWS:**

8 1. Except as expressly stated herein, all terms and conditions of the Permanent  
9 Injunction shall remain in full force and effect.

10 2. Each and all of the terms and conditions of this First Court Modification to  
11 Permanent Injunction and Final Judgment (hereinafter "Modification to Permanent  
12 Injunction") shall apply to the Property Owner, its employees, representatives, agents,  
13 servants, assignees, successors in interest, and all those acting in interest with Property  
14 Owner. The subject properties are situated in the City of San Jose, County of Santa Clara,  
15 State of California, and are commonly known as:

16 1330 Carnelian Drive, San Jose, CA 95122

17 1339 Carnelian Drive, San Jose, CA 95122

18 1340 Carnelian Drive, San Jose, CA 95122

19 1351 Carnelian Drive, San Jose, CA 95122

20 1352 Carnelian Drive, San Jose, CA 95122

21 1359 Carnelian Drive, San Jose, CA 95122

22 1360 Carnelian Drive, San Jose, CA 95122

23 1371 Carnelian Drive, San Jose, CA 95122

24 1372 Carnelian Drive, San Jose, CA 95122

25 1379 Carnelian Drive, San Jose, CA 95122

26 1387 Carnelian Drive, San Jose, CA 95122

27 1404 Carnelian Drive, San Jose, CA 95122

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- 1 1405 Carnelian Drive, San Jose, CA 95122
- 2 1411 Carnelian Drive, San Jose, CA 95122
- 3 1412 Carnelian Drive, San Jose, CA 95122
- 4 1436 Carnelian Drive, San Jose, CA 95122
- 5 1324 Crucero Drive, San Jose, CA 95122
- 6 1328 Crucero Drive, San Jose, CA 95122
- 7 1332 Crucero Drive, San Jose, CA 95122
- 8 1334 Crucero Drive, San Jose, CA 95122
- 9 1339 Crucero Drive, San Jose, CA 95122
- 10 1550 Crucero Drive, San Jose, CA 95122
- 11 1558 Crucero Drive, San Jose, CA 95122
- 12 1574 Crucero Drive, San Jose, CA 95122
- 13 1594 Crucero Drive, San Jose, CA 95122
- 14 1604 Crucero Drive, San Jose, CA 95122
- 15 1612 Crucero Drive, San Jose, CA 95122
- 16 1620 Crucero Drive, San Jose, CA 95122
- 17 1640 Crucero Drive, San Jose, CA 95122
- 18 1352 Dubert Lane, San Jose, CA 95122
- 19 1353 Dubert Lane, San Jose, CA 95122
- 20 1360 Dubert Lane, San Jose, CA 95122
- 21 1368 Dubert Lane, San Jose, CA 95122
- 22 1369 Dubert Lane, San Jose, CA 95122
- 23 1384 Dubert Lane, San Jose, CA 95122
- 24 1385 Dubert Lane, San Jose, CA 95122
- 25 1400 Dubert Lane, San Jose, CA 95122
- 26 1401 Dubert Lane, San Jose, CA 95122
- 27 1408 Dubert Lane, San Jose, CA 95122
- 28 1409 Dubert Lane, San Jose, CA 95122

1 1417 Dubert Lane, San Jose, CA 95122  
2 1424 Dubert Lane, San Jose, CA 95122  
3 1441 Dubert Lane, San Jose, CA 95122  
4 1449 Dubert Lane, San Jose, CA 95122  
5 1328 Santee Drive, San Jose, CA 95122  
6 1338 Santee Drive, San Jose, CA 95122  
7 1351 Tami Lee Drive, San Jose, CA 95122  
8 1359 Tami Lee Drive, San Jose, CA 95122  
9 1360 Tami Lee Drive, San Jose, CA 95122  
10 1375 Tami Lee Drive, San Jose, CA 95122  
11 1383 Tami Lee Drive, San Jose, CA 95122  
12 1391 Tami Lee Drive, San Jose, CA 95122  
13 1398 Tami Lee Drive, San Jose, CA 95122  
14 1399 Tami Lee Drive, San Jose, CA 95122  
15 1406 Tami Lee Drive, San Jose, CA 95122  
16 1407 Tami Lee Drive, San Jose, CA 95122  
17 1414 Tami Lee Drive, San Jose, CA 95122  
18 1431 Tami Lee Drive, San Jose, CA 95122  
19 1438 Tami Lee Drive, San Jose, CA 95122  
20 1439 Tami Lee Drive, San Jose, CA 95122

21 3. Each and all of the requirements for compliance with the terms and  
22 provisions of this Permanent Injunction and Final Judgment Pursuant to Stipulation  
23 shall be continuing in nature. This provision supersedes the date set for review in  
24 Paragraph 33 of the Permanent Injunction.

25 4. **This Modification, with a copy of the 1997 Permanent Injunction attached**  
26 **as Exhibit A, shall be recorded with the Santa Clara County Recorder's Office.**

27 5. The Property Owners of the subject properties listed above shall provide any  
28

1 buyer or other person, corporation, or other entity acquiring the Subject Property with a copy  
2 of the Permanent Injunction and any written Modification(s) thereto, including without  
3 limitation this Modification herein, and with written notice that the buyer or other person,  
4 corporation or other entity acquiring the Subject Property is subject to all the terms and  
5 conditions thereof.

6         6.       The Court shall retain jurisdiction over the Modification to Permanent Injunction  
7 for purposes of interpretation of the terms and conditions thereof and/or the resolution of  
8 disputes arising out of the Modification to Permanent Injunction.

9         7.       Nothing herein limits the City of San Jose from taking any action or seeking any  
10 remedy for violations of the San Jose Municipal Code relating to the Subject Property,  
11 including criminal, civil and/or administrative remedies. The City of San Jose reserves the  
12 right to proceed with contempt proceedings and seek statutory contempt sanctions for any  
13 violations of the Modification to Permanent Injunction.

14                 **IT IS SO ORDERED.**

15  
16 Date: \_\_\_\_\_

**THE HONORABLE MARY JO LEVINGER**  
**JUDGE OF THE SUPERIOR COURT**